

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY(NEWARK)</b>	
<b>RAS Citron, LLC</b> 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor <b>Ditech Financial LLC</b>  Laura Eggerman, Esq. (LE-8250)	CASE NO.: 17-20445-RG  CHAPTER 13  <b>Objection to Confirmation of Debtor's Modified Chapter 13 Plan</b>
<b>In Re:</b>  <b>Philip Casillo,</b>  <b>Debtor.</b>	

**OBJECTION TO CONFIRMATION OF DEBTOR'S MODIFIED CHAPTER 13 PLAN**

Ditech Financial LLC ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Modified Chapter 13 Plan (DE # 97), and states as follows:

1. Debtor, Philip Casillo ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on May 22, 2017.
2. Secured Creditor holds a security interest in the Debtor's real property located at 33 Lakeshore Drive East, Highland Lakes, NJ 07422, by virtue of a Mortgage recorded on November 10, 2003 in Book 05824, at Page 214 of the Public Records of Sussex County, NJ. Said Mortgage secures a Note in the amount of \$255,983.00.
3. The Debtor filed a Modified Chapter 13 Plan on December 11, 2019.
4. The Plan reflects the Debtor's intent to pursue an existing Trial Modification, but fails to acknowledge the pre-petition arrears due Secured Creditor. Rather, the Plan treats Creditor as unaffected by the Plan. Pursuant to Secured Creditor's timely filed proof of claim, the pre-petition arrears owed to Secured Creditor are \$69,997.18. Thus far, a final loan modification has not been approved or issued by Secured Creditor. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that a final loan modification is not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

5. Additionally, the Plan seeks to maintain the trial modification payments through the Chapter 13 Trustee. However, New Jersey is not a conduit state. As a result, Secured Creditor objects to this Plan and any plan which seeks to maintain ongoing payments through the Chapter 13 Trustee.

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

RAS Citron, LLC  
Attorney for Secured Creditor  
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**CERTIFICATION OF SERVICE**

1. I, Laura Eggerman, represent Ditech Financial LLC in this matter.
2. On December 24, 2019, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below: Objection to Confirmation of Plan.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

December 24, 2019

RAS Citron, LLC  
Attorney for Secured Creditor  
130 Clinton Road, Suite 202  
Fairfield, NJ 07004  
Telephone Number 973-575-0707  
By: /s/Laura Eggerman  
Laura Eggerman, Esquire  
NJ Bar Number LE-8250  
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<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Stephen B. McNally McNally & Busche, L.L.C. 93 Main Street Suite 201 Newton, NJ 07860	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Philip Casillo 33 Lake Shore Drive East Highland Lakes, NJ 07422	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)